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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,499	10/23/2000	Joshua Coates	SCAL.P0001	1575

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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,499

Applicant(s)

COATES ET AL.

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 10-15, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popelka et al. (U.S. Patent No. 6,081,883) in view of Xu et al. (U.S. Patent No. 6,324,581).

With respect to claim 1, Popelka discloses a file processor (a virtual file system, VFS) for storing file information to manage a plurality files of a network storage system, wherein a client of the network storage system accesses the file processor (VFS) to conduct file system operations over a first channel (abstract, fig. 1, fig. 6, lines 42-67 in col. 2, lines 1-7 in col. 3, lines 35-45 in col. 5, lines 62-67 in col. 11, and lines 1-16 in col. 12). Popelka discloses storage processors and storages (a storage center) for storing a plurality files of the network storage system, wherein the client access the file processors and storages (the storage center) to download files over a channel (fig. 1). Popelka is silent on downloading files over a second channel being different than the first channel. However, Xu discloses downloading files from storages over a second channel being different than a first channel, which a request for the files is received from (fig. 3, fig. 4, lines 59-67 in col. 9, and lines 1-25 in col. 10). Therefore, based on

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Popelka in view of Xu, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second channel from a storage to a client for faster processing for downloading files.

With respect to claim 2, Popelka discloses a network processor (a storage port) for accessing the file processor (VFS) and the storage processors and storages (the storage center, abstract, fig. 1, lines 55-65 in col. 2, lines 59-67 in col. 5, and lines 1-4 in col. 6).

With respect to claim 3, Popelka discloses additional network processors for backup (additional storage ports in the event of a failover condition, fig. 1).

With respect to claim 4, Popelka discloses a plurality of storage processors (distributed object storage managers, DOSMs) for receiving requests to access the storages and storages (storage cluster/intelligent storage nodes) for storing files of the network storage system and for servicing access requests from the storage processors (DOSMs, fig. 1, lines 46-58 in col. 5, lines 60-67 in col. 15, and lines 1-13 in col. 16).

With respect to claim 6, Popelka discloses a storage processor (DOSM) comprising a cache for write (fig. 1). Popelka discloses a read cache in another processor (network processor, fig. 1). Thus, the read cache could be utilized additionally in the storage processor for storing a subset of files stored in storages.

With respect to claim 10, Popelka discloses a (content delivery) network (fig. 1 and lines 46-58 in col. 4).

The limitations of claim 11 are rejected in the analysis above of claim 1, and the claim is rejected on that basis.

With respect to claim 12, Popelka discloses a virtual file system (lines 66-67 in col. 2, lines 1-7 in col. 3, and lines 8-62 in col. 8) and metadata containing file information (lines 62-67 in col. 11 and lines 1-17 in col. 12). These teach generating a file identifier from the virtual file system for a file stored in the storages. Popelka discloses a client requesting file operations (receiving a file identifier) and processing the file operations (retrieving and transmitting data, lines 66-67 in col. 2, lines 1-7 in col. 3, lines 60-67 in col. 15, and lines 1-13 in col. 16).

The limitations of claim 13 are rejected in the analysis above of claim 2, and the claim is rejected on that basis.

The limitations of claim 14 are rejected in the analysis above of claim 3, and the claim is rejected on that basis.

The limitations of claim 15 are rejected in the analysis above of claim 4, and the claim is rejected on that basis.

The limitations of claim 17 are rejected in the analysis above of claim 6, and the claim is rejected on that basis.

The limitations of claim 21 are rejected in the analysis above of claim 10, and the claim is rejected on that basis.

3. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popelka et al. (U.S. Patent No. 6,081,883) in view of Xu et al. (U.S. Patent No. 6,324,581) as applied to claims 1 and 4 above, and further in view of Gall et al. (U.S. Patent No. 6,356,929).

With respect to claim 5, Xu further discloses exchanging metadata for file information between movers (processors, fig. 2, and lines 41-67 in col. 26) for data consistency. Popelka and Xu are silent on a multicast protocol. However, Gall discloses a multicast protocol for distributing data (abstract, fig. 4, lines 66-67 in col. 5, and lines 1-11 in col. 6). Therefore, based on Popelka in view of Xu, and further in view of Gall, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a multicast protocol for distributing data among processors for data consistency.

The limitations of claim 16 are rejected in the analysis above of claim 5, and the claim is rejected on that basis.

4. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popelka et al. (U.S. Patent No. 6,081,883) in view of Xu et al. (U.S. Patent No. 6,324,581) as applied to claims 1, 4, and 6 above, and further in view of Tzelnic et al. (U.S. Patent No. 5,948,062).

With respect to claim 7, Popelka further discloses LRU maintenance for a cache teaching caching data for files in high demand (lines 14-16 in col. 12). Popelka and Xu are silent on a load balancing. However, Tzelnic discloses balancing loads among data movers (processors, lines 4-14 and 62-67 in col. 10 and lines 1-5 in col. 11) for parallel processing. Therefore, based on Popelka in view of Xu, and further in view of Tzelnic, it would have been obvious to one having ordinary skill in the art at the time the invention was made to balance loads among the processors (DOSMs) for parallel processing.

The limitations of claim 18 are rejected in the analysis above of claim 7, and the claim is rejected on that basis.

5. Claims 8-9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popelka et al. (U.S. Patent No. 6,081,883) in view of Xu et al. (U.S. Patent No. 6,324,581) as applied to claim 1 above, and further in view of Beardsley et al. (U.S. Patent No. 6,304,980).

With respect to claim 8, Popelka and Xu are silent on an additional storage center located geographically disparate from the prime storage center. However, Beardsley discloses a secondary storage site (an additional storage center) located geographically disparate from a primary storage site (the prime storage center, abstract, fig. 1, fig. 2, lines 13-16 in col. 4) for backup. Therefore, based on Popelka in view of Xu, and further in view of Beardsley, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have an additional storage center for backup.

With respect to claim 9, Popelka and Xu are silent on a dynamic failover mechanism. However, Beardsley discloses the dynamic failover mechanism for servicing access requests from a secondary storage cite located geographically disparate (a disparate storage center) in the event that a failure occurs in a primary storage center (a prime storage center, abstract, fig. 8, lines 40-67 in col. 5, and lines 1-34 in col. 6). Therefore, based on Popelka in view of Xu, and further in view of Beardsley, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to have a dynamic failover mechanism for a disaster recovery system.

The limitations of claim 19 are rejected in the analysis above of claim 8, and the claim is rejected on that basis.

The limitations of claim 20 are rejected in the analysis above of claim 9, and the claim is rejected on that basis.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balabine et al. (U.S. Patent No. 6,442,548), Balabine et al. (U.S. Patent No. 5,937,406) disclose a virtual file system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 703-305-6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Joon Hwang 
November 13, 2002


JEAN M. CORRIELUS
PRIMARY EXAMINER